

**JONATHAN MAIZEL TESTIMONY RE:
WSSCR 22-TRV-04A (CATEGORY CHANGE REQUEST S6 TO S3)**

- My property abuts multiple properties within the County’s “Planned Sewer Envelope” on Jasmine Hill Terrace, and is thus eligible for Category Change to S-3 under the Potomac Peripheral Policy of the Water and Sewer Plan.
- The Executive Staff’s negative recommendation for my category change is based on the following rationale:

“Although the property is adjacent to the Jasmine Hill Terrace properties, it is within a different subdivision as well as on another street. The policy is intended to provide service to properties that are part of a contiguous area. The property is outside the Jasmine Hill Terrace subdivision, with no interconnection to the properties on Foxden Drive. The intention of the Potomac peripheral service policy is to provide sewer service to properties in a logical manner. Approval of this request does not help to complete or “fill in” the existing sewer service envelope in this area. WSSC has indicated an 850-foot-long sewer extension would be required to serve the property, abutting an additional four properties. An extension of this length is typically not feasible for a single property owner. This will also open up service to four additional lots that would otherwise not be eligible for sewer service. The property therefore does not satisfy the intent of the Potomac Peripheral Service Policy. The intention of the Potomac peripheral service policy is to provide sewer service to properties in a logical manner. Approval of this request does not help to complete or “fill in” the existing sewer service envelope in this area.”

- Nothing about the Potomac Peripheral Policy requires an otherwise qualifying contiguous property like mine to be within the same subdivision or on the same street as any abutting property within the County’s “Planned Sewer Envelope” (in this case, the Jasmine Hill Terrace properties).
- Moreover, the intention behind the Potomac Peripheral Policy of “logical” sewer development manner would be fully served by positive action on my application for precisely the reason mentioned in the Executive Staff’s recommendation—that the sewer extension required to serve my property would result in sewer service for multiple other properties along Foxden Drive that were found by DEP in its North Potomac Highlands Survey to be septic-system “constrained” (*see* Slides 6-8 of the attached North Potomac Highlands Survey).
- The County Council cannot ignore the facts or science of DEP’s finding of septic system constraints on multiple Foxden Drive properties in DEP’s North Potomac Highlands Survey in its decision-making; it must take account of those facts and such science in its decision here.

- A sewer main extension along Foxden Drive to address the Foxden Drive septic constraints is a very “logical” way to “fill in the existing sewer service envelope”. DEP included such an extension as one of the two identified “Options” on Slide 9 of the attached North Potomac Highlands Survey—so DEP certainly believed it to be logical at that time.
- My application for a category change is consistent with the Potomac Peripheral Policy, as well as the intention behind such policy, and should be granted.

Attachment: **January 10, 2018 DEP North Potomac Highlands Septic Survey Results**

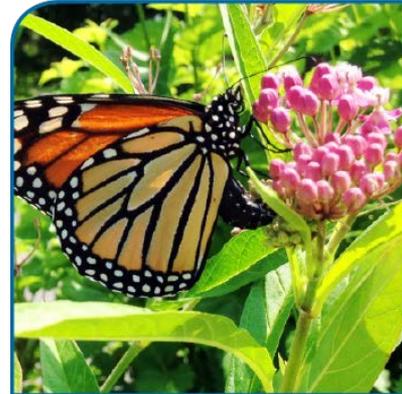
DEP: Protecting and improving our air, water and land

Comprehensive Water Supply and Sewerage Systems Plan North Potomac Highlands Septic Survey

Welcome to DEP's public meeting for the North Potomac Highlands Septic Survey.

Please sign in, take an agenda, and have a seat.

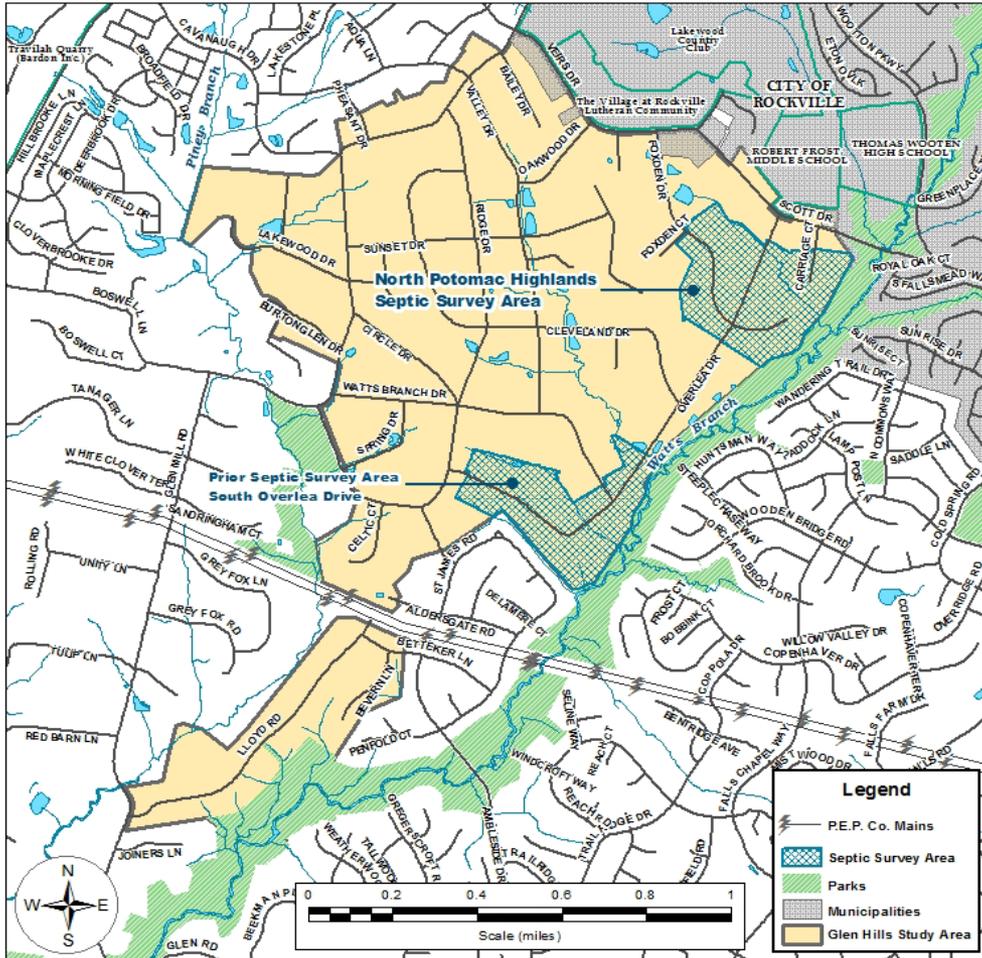
The meeting will begin in a few minutes.



North Potomac Highlands Septic System Survey

Glen Hills Septic Surveys

North Potomac Highlands Septic Survey: Locator



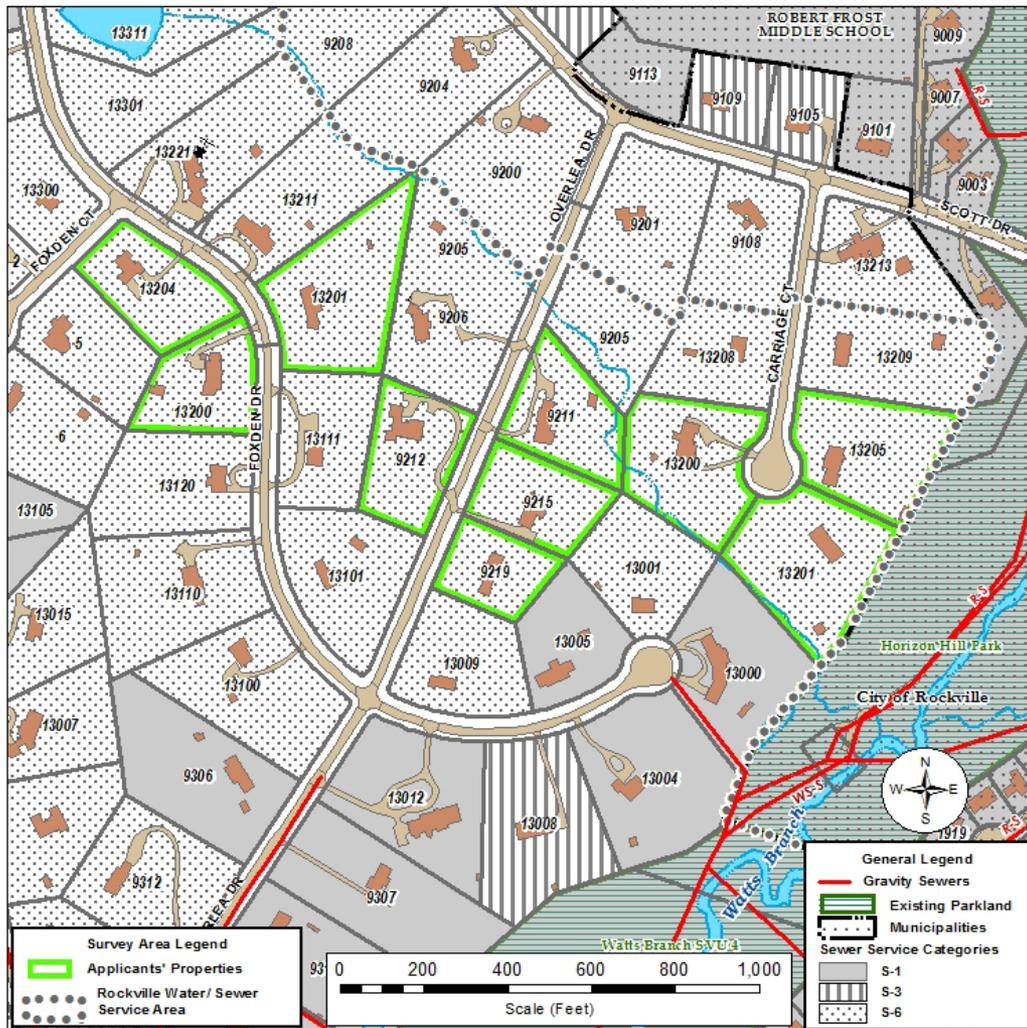
In March 2016, the County Council established the use of area-wide septic system surveys in the Glen Hills area under CR 18-423 as part of the Glen Hills area sewer service policies.

Surveys are initiated at the request of owners of improved residential properties.

North Potomac Highlands Septic System Survey

Survey Origin

North Potomac Highlands Septic Survey - Survey Applicants' Properties



In October 2017, DEP received survey requests from owners of ten* properties (shown in green outline) located along parts of Carriage Ct., Foxden Dr., and Overlea Dr. in the Potomac Highlands neighborhood.

Applicants' common concerns:

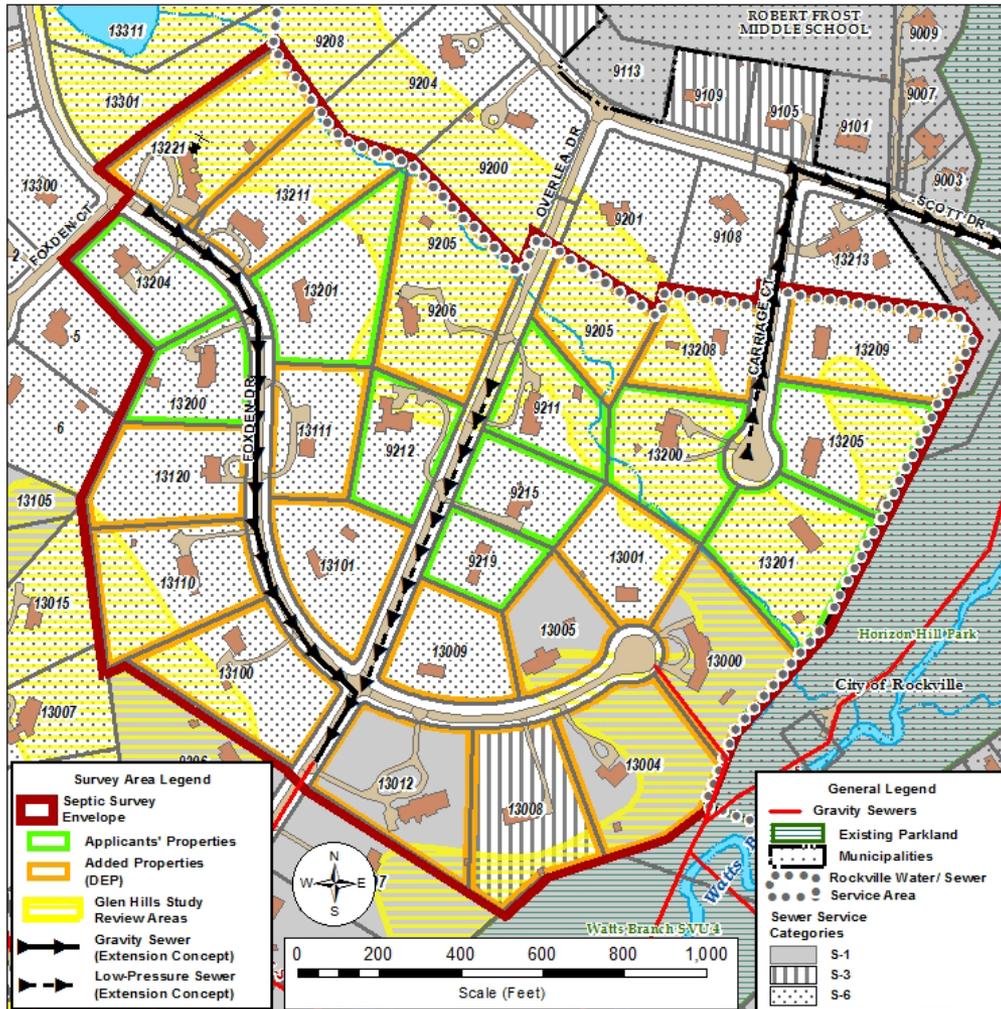
- Aging, pre-1975 septic systems
- Limited area for repair or replacement systems
- Possible forest loss for replacement or repair systems
- Possible seepage from old systems into groundwater
- Increased frequency of tank pump-outs

*DEP also received requests for three additional properties within the Rockville sewer service area.

North Potomac Highlands Septic System Survey

Establishing the Survey Area

North Potomac Highlands Septic Survey - Survey Area Properties



To establish the survey area, DEP looked for factors similar to the applicants' properties, such as:

- Lot size
- Review Area coverage
- Age and type of existing septic system
- Public sewer access
- Limits of Rockville sewer service area

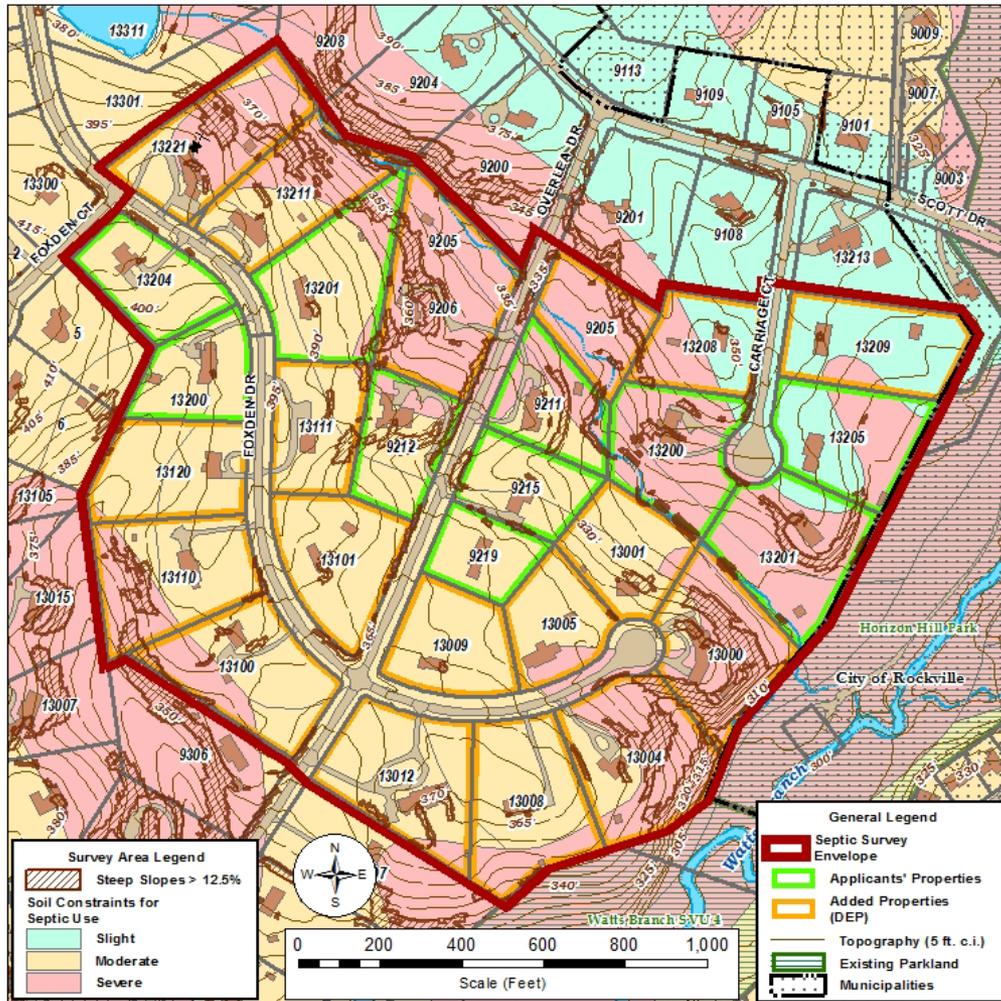
DEP included 28 lots in the survey area:

- 27 lots improved with single-family houses.
- Most houses built between 1955 and 1967.
- All lots use wells. 21 lots known to have pre-1975 septic systems
- 20 lots included some review areas from the 2012 Glen Hills Study.

North Potomac Highlands Septic System Survey

Survey Process

North Potomac Highlands Septic Survey - Potential Soil and Slope Constraints



DEP and DPS researched onsite system permit records and WSSC permit records, and conducted site visits.

Using GIS mapping, DEP identified onsite system locations and compiled potential septic system constraints throughout the survey area.

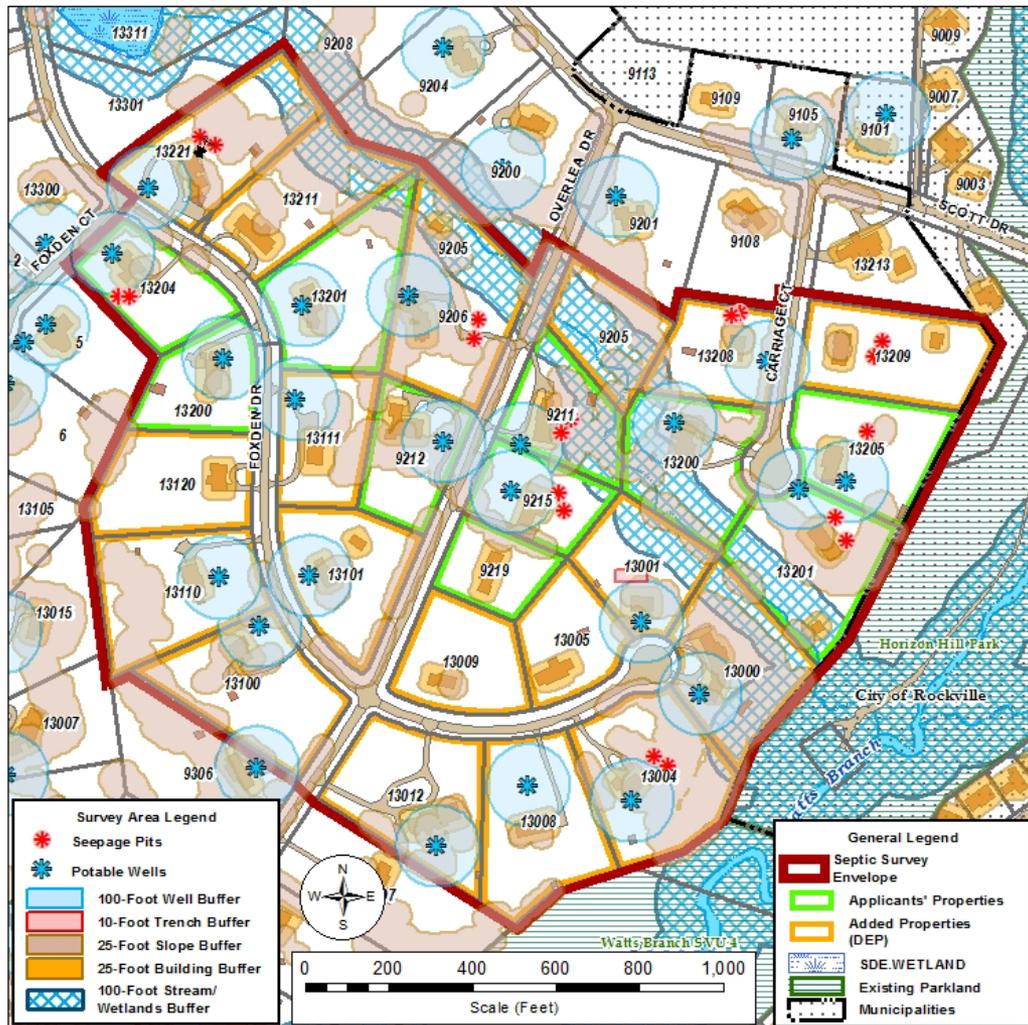
This map shows areas with:

- Soils having slight (blue), moderate (yellow) and severe septic (pink) use constraints (from USDA Soil Maps for Mont. Co.). Actual soil suitability requires onsite testing via DPS.
- Steep slopes (> 12.5 %), based on county topography.

North Potomac Highlands Septic System Survey

Survey Process

North Potomac Highlands Septic Survey - Potential Regulatory Constraints



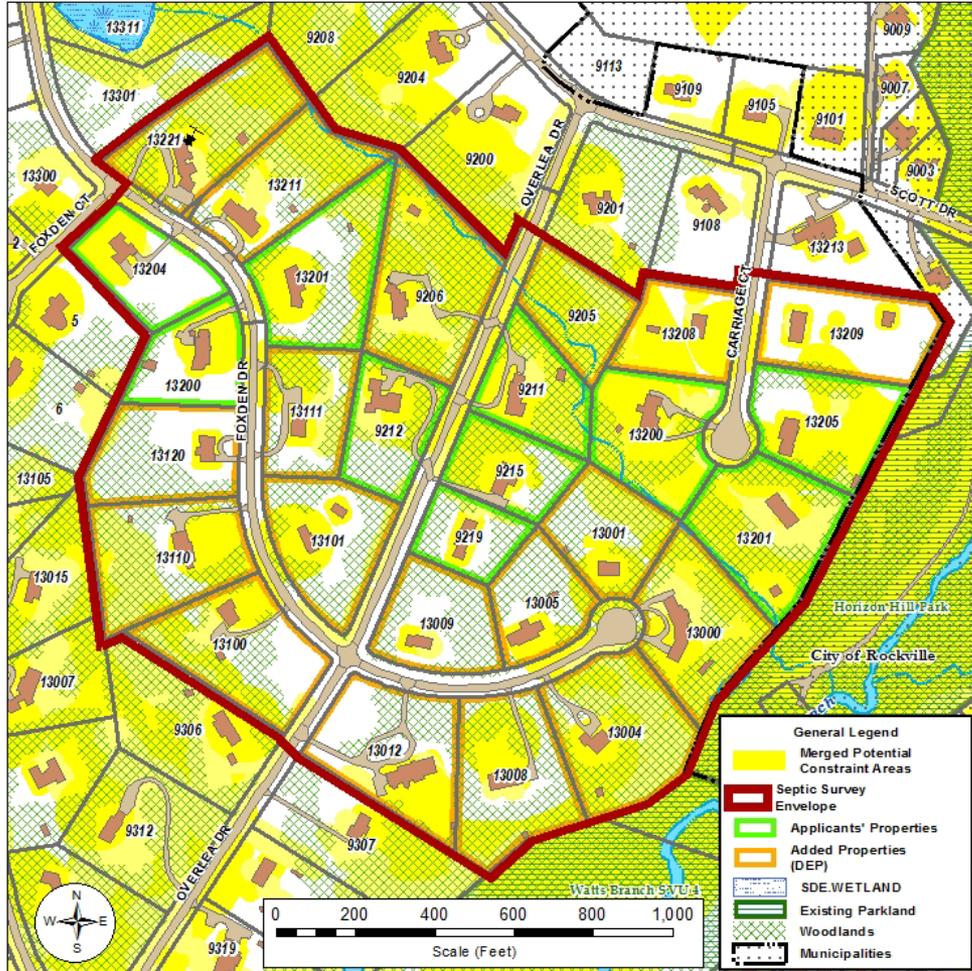
This map shows regulatory constraints for septic system use from State and County onsite systems regulations:

- 100-foot stream and wetlands buffers.
- 100-foot well buffers.
- 25-foot steep slope and building buffers.
- 25-foot seepage pit buffers.
- 10-foot septic trench buffers.

North Potomac Highlands Septic System Survey

Survey Process

North Potomac Highlands Septic Survey - Merged Potential Constraint Areas



This map shows the various potential constraint areas merged together.

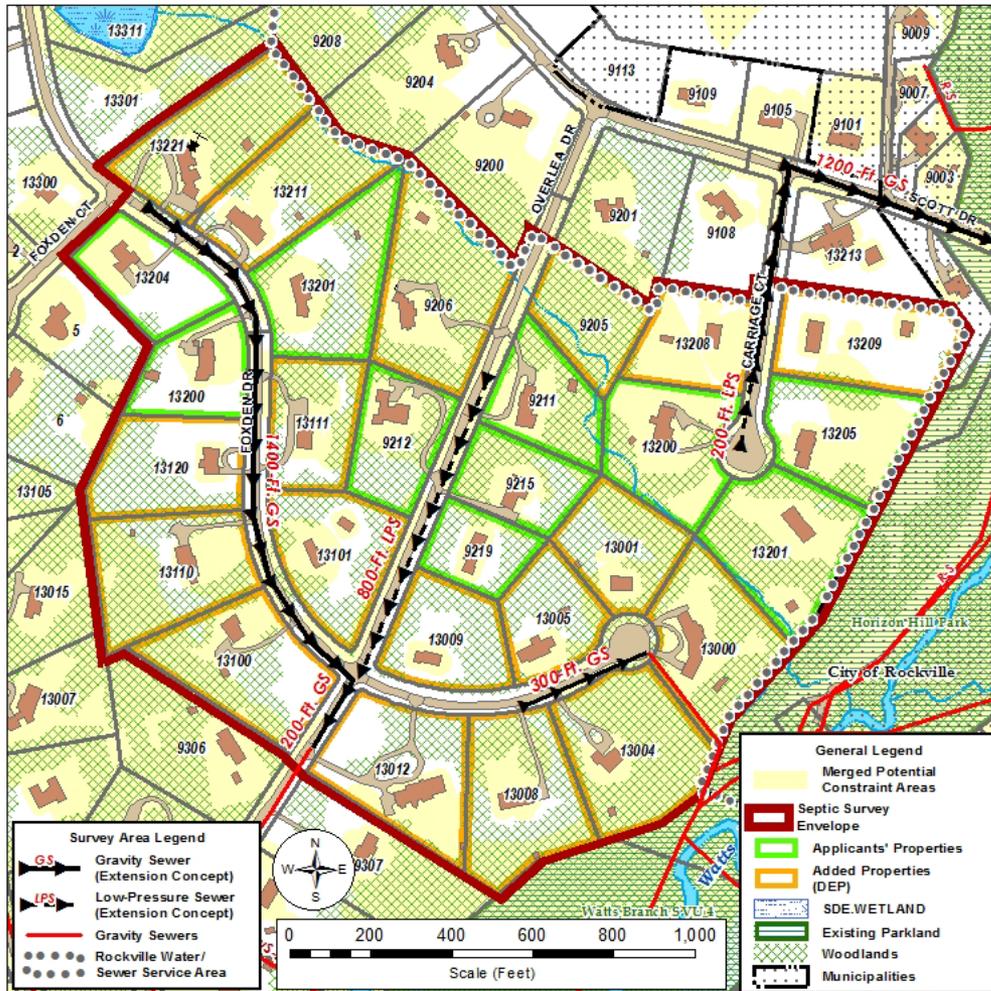
Some constraint areas overlap, such as stream buffers and slope buffers.

Properties located along stream valleys are typically affected by potential septic system constraints more than those on higher ground.

North Potomac Highlands Septic System Survey

Options

North Potomac Highlands Septic Survey - Options



Septic System Replacement or Repair:

- Replacement – one new initial field and two reserve areas. House may be eligible for expansion or replacement.
- Repair – one new field. No house expansion or replacement.

Public Sewer Service:

- Four separate main extensions would be needed to serve all properties in the survey area.
- Both gravity and low-pressure mains could be involved.
- Each property dependent on low-pressure mains would need an onsite grinder pump.

North Potomac Highlands Septic System Survey

Next Steps in the Survey Process

- Conduct additional research, as needed.
- Complete DEP staff recommendations and, if needed, a sewer category change proposal.
- Review DEP staff draft with DEP Director and then the County Executive. (Late January)
- Transmit Executive report and recommendations to the County Council; the survey recommendation are now public. (End of January)
- County Council public hearing. Planning Board hearing and meeting. Council Committee worksession. Council worksession. Council decision and resolution. (March – April)
- Transmittal of Council resolution to Maryland Dept. of the Environment for a 60-day review. (April – June/July)